IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY
WRIT PETITION NO : 18513 of 1994

Between:

G.Ramachandraiah Chetty, S/o. Muniramaswamy Chetty.
Belupalli Village, Palamaner Mandal, Chittoor.

..... PETITIONER

AND

1 The District Collector, Chittoor.
2 The Revenue Divisional Officer, Madanapalle, Chittoor.
3 The Mandal Revenue Officer, Palamaner, Chittoor.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ or order or direction more particularly a writ of Mandamus declaring the action of the 3rd respondent in dispossessing the petitioner from the land in Survey No. 1236/1 and 1236/2 measuring to an extent of 3 acres 6 cents and 0.54 cents respectively of Kolamasanapalli Village, Palamaner Mandal, as illegal, improper, unjust, arbitrary and without following the procedure prescribed under law.

For the Petitioner:MR.K.G.KRISHNA MURTHY , Advocate

For the Respondents : GP FOR REVENUE

The Court Made the Following :

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O R D E R:

The petitioner invokes the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India with a prayer to issue a Writ of *Mandamus* declaring the action of the 3rd respondent in making attempts to dispossess the petitioner from the lands in Survey No.1236/1 and 1236/2 admeasuring Acs.3-06 cents and 0-54 cents respectively of Kolamasanapalli village, Palamaner Mandal as illegal.

The petitioner claims to be the landless poor person. The land in question was assigned in the year 1957. He continued to be in possession of the land and also raised Mango trees in an extent of Ac.1.00 and also Coconut and Tamarind trees in the remaining land. That on 05-06-1986, the Mandal Revenue Officer, Palamaner, cancelled the assignment on some grounds against which the petitioner preferred an appeal before the 2nd respondent on 05-08-1986 and obtained stay, pending appeal. The appeal was allowed by an order, dated 31-12-1988 and the said order became final.

That all of a sudden, the Mandal Revenue Officer, Palamaner, made an attempt on 24-09-1994 to dispossess the petitioner from the lands in question with a view to make it available to other landless poor persons in the village. This is the sum and substance of the case set up by the petitioner.

This Court having admitted the writ petition on 11-10-1994, directed the respondents to maintain *status quo* with regard to

possession of the land in question and the said order is subsisting as on to-day. No counter-affidavit has been filed by the respondents. The allegations and averments made in the affidavit filed in support of the writ petition remain unrebutted.

In the circumstances, the writ petition is disposed of directing the respondents not to dispossess the petitioner, if he still continues to be in possession of the land, without following the procedure established by law. It shall be open to the respondents to put the petitioner on notice if they intend to take any further steps against him and proceed further in accordance with law. No order as to costs.

MJL/PV

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To
1 . The District Collector, Chittoor.
2 . The Revenue Divisional Officer, Madanapalle,
Chittoor.
3. The Mandal Revenue Officer, Palamaner,
Chittoor.
4.2 CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT)
5. 2 CD copies.